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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,237	09/09/2003	James Thomas Edward McDonnell	300200017-2	8845

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EXAMINER

NGUYEN, KHAI MINH

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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08/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/657,237

Applicant(s)

MCDONNELL ET AL.

Examiner

Khai M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ~
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen (U.S.Pat-5598459) in view of Kalavade et al. (U.S.Pat-20020191575).

Regarding claim 1, Haartsen teaches a method wherein a cellular communications service provider authenticates a provider of a service running at a wireless base station, the method comprising:

receiving an indication of potential use of a specified wireless base station from a user (fig.1, col.3, lines 23-37, col.5, lines 53-59);

verifying the trustworthiness of the provider of the service with a party independent from said provider (col.5, line 53 to col.6, line 13); and

on successful verification of the provider of the service (col.5, line 53 to col.6, line 13), providing the user with a confirmation that the provider of the service is authenticated by the cellular communications service provider (col.3, lines 23-55).

Haartsen fails to specifically hotspot. However, Kalavade teaches hotspot (paragraph 0076-0077). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Kalavade to Haartsen to provide a method for converging local area and wide area wireless data networks.

Regarding claim 2, Haartsen and Kalavade further teach a method as claimed in claim 1, wherein the service is use of the hotspot and the provider of the service is a wireless hotspot provider (see Kalavade, paragraph 0076-0077).

Regarding claim 3, Haartsen and Kalavade further teach a method as claimed in claim 1, wherein the service is a service running over infrastructure of the wireless hotspot and the provider of the service is not the provider of the wireless hotspot (see Haartsen, col.3, lines 23-55).

Regarding claim 4, Haartsen and Kalavade further teach a method as claimed in claim 1, wherein the confirmation provided comprises a key enabling the user to use the service provided by the provider (see Haartsen, col.5, line 53 to col.6, line 13).

Regarding claim 5, Haartsen and Kalavade further teach a method as claimed in claim 1, further including tracking the location of a user via a user's wireless communications device (see Haartsen, col.3, lines 23-55, see Kalavade, claim 37); and

predicting, from the location of the user, a service at a wireless hotspot within current or future range of the user (see Haartsen, col.3, lines 23-55, see Kalavade, claim 37).

Regarding claim 6, Haartsen and Kalavade further teach a method as claimed in claim 5, further including supplying the user with information concerning the location of one or more hotspots close to the user or closest to the user (see Haartsen, col.3, lines 23-55, see Kalavade, claim 37).

Regarding claim 7, Haartsen and Kalavade further teach a method as claimed in claim 5, wherein the indication of potential use is determination that the hotspot is within present or future range of the user (see Haartsen, col.3, lines 23-55, see Kalavade, claim 37).

Regarding claim 8, Haartsen and Kalavade further teach a method as claimed in claim 7, further including receiving a positive request to use the service (see Haartsen, col.3, lines 23-55, see Kalavade, claim 37), and commencing authentication of the provider of the service before the positive request is received (see Haartsen, col.3, lines 23-55, see Kalavade, claim 37).

Regarding claim 9, Haartsen and Kalavade further teach a method as claimed in claim 1, wherein the indication of potential use is a positive request from the user (see Haartsen, col.3, lines 23-55' see Kalavade, claim 37).

Regarding claim 10, Haartsen teaches a computer system for a cellular telecommunications provider, comprising a processor arranged for:

receiving an indication of potential use of a specified wireless base station from a user (fig.1, col.3, lines 23-37, col.5, lines 53-59);

identifying services available at the specified wireless base station (col.5, line 53 to col.6, line 13);

authenticating providers of the services available at the specified wireless base station (col.5, line 53 to col.6, line 13); and

preparing authentication information for use by the user (col.3, lines 23-55).

Haartsen fails to specifically hotspot. However, Kalavade teaches hotspot (paragraph 0076-0077). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Kalavade to Haartsen to provide a method for converging local area and wide area wireless data networks.

Regarding claim 11, Haartsen and Kalavade further teach a computer system as claimed in claim 10, wherein in preparing the authentication information the processor is arranged for generating a cryptographic key (see Haartsen, col.5, line 53 to col.6, line 13).

Regarding claim 12, Haartsen and Kalavade further teach a computer system as claimed in claim 10, wherein the processor is further arranged for receiving location information representing the location of the user (see Haartsen, col.3, lines 23-55' see Kalavade, claim 37), and for determining from the location information one or more wireless hotspots that are or will be within the range of the user (see Haartsen, col.3, lines 23-55' see Kalavade, claim 37).

Regarding claim 13, Haartsen and Kalavade further teach a computer system as claimed in claim 12, wherein the processor is further arranged for (a) receiving a positive request for use of a service at the hotspot from the user (see Haartsen, col.3, lines 23-55' see Kalavade, claim 37), (b) commencing authenticating a provider of the service before the positive request is received (see Haartsen, col.3, lines 23-55' see Kalavade, claim 37) and (c) preparing authentication information for use by the user after the positive request is received (see Haartsen, col.3, lines 23-55' see Kalavade, claim 37).

Regarding claim 14, Haartsen teaches a storage medium storing a computer-readable program code thereon, the computer-readable program code being arranged to cause a computer system of a cellular communications provider to:

receive an indication of potential use of a specified wireless base station from a user (fig.1, col.3, lines 23-37, col.5, lines 53-59);

identifying services available at the specified wireless base station (col.5, line 53 to col.6, line 13);

authenticating providers of the services available at the specified wireless base station (col.5, line 53 to col.6, line 13); and

preparing authentication information for use by the user (col.3, lines 23-55).

Haartsen fails to specifically hotspot. However, Kalavade teaches hotspot (paragraph 0076-0077). Therefore, it would have been obvious to one having ordinary

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skill in the art at the time the invention was made to apply the teaching of Kalavade to Haartsen to provide a method for converging local area and wide area wireless data networks.

Regarding claim 15, Haartsen teaches a method wherein a cellular telecommunications provider authorises a user to use a base station service, the method comprising:

tracking the location of the user via a wireless communications device of the user (fig.1, col.3, lines 23-37, col.5, lines 53-59);

determining that the user is or will be within an operating range of the base station service (fig.1, col.3, lines 23-37, col.5, lines 53-59);

authenticating a provider of the service (col.5, line 53 to col.6, line 13); and

authenticating the provider of the service to the user (col.3, lines 23-55).

Haartsen fails to specifically location-dependent. However, Kalavade teaches location-dependent (paragraph 0076-0077). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Kalavade to Haartsen to provide a method for converging local area and wide area wireless data networks.

Regarding claim 16, Haartsen and Kalavade further teach a method as claimed in claim 15, further comprising receiving a request to use the location-dependent service by the user (see Haartsen, col.3, lines 23-55, see Kalavade, paragraph 0076-0077).

Regarding claim 17, Haartsen and Kalavade further teach a method as claimed in claim 16, wherein authenticating the provider of the service commences prior to receiving the request authenticating the provider of the service subsequent to receiving the request (see Haartsen, col.3, lines 23-55, see Kalavade, paragraph 0076-0077).

Regarding claim 18, Haartsen and Kalavade further teach a computer system as claimed in claim 10, wherein in authenticating providers of the services the processor is arranged for verifying the trustworthiness of the providers of the services (see Haartsen, col.3, lines 23-55, see Kalavade, paragraph 0076-0077).

Regarding claim 19, Haartsen and Kalavade further teach a storage medium as claimed in claim 14, wherein the computer-readable program code arranged to cause the computer system of the cellular communication provider to authenticate providers of the services is arranged for verifying the trustworthiness of the providers of the services (see Haartsen, col.3, lines 23-55, see Kalavade, paragraph 0076-0077).

Regarding claim 20, Haartsen and Kalavade further teach a method as claimed in claim 15, wherein authenticating the provider of the service comprises verifying the trustworthiness of the providers of the services (see Haartsen, col.3, lines 23-55, see Kalavade, paragraph 0076-0077).

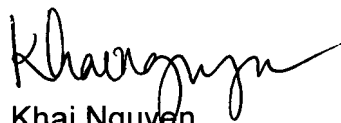
Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571.272.7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Khai Nguyen
Au: 2617

7/26/2007



RAFAEL PEREZ-GUTIERREZ
SUPERVISORY PATENT EXAMINER
8/3/07